

101-47.801(b)(10)

Subpart 101-47.8—Identification of Unneeded Federal Real Property

§ 101-47.800 Scope of subpart.

This subpart is designed to implement section 2 of Executive Order 11508 (see § 101-47.4914) which provides that the Administrator of General Services shall (a) establish uniform standards and procedures for the identification of property that is not utilized, is underutilized, or is not being put to its optimum use; (b) survey property holdings of all executive agencies to identify any such properties in those categories; and (c) report any properties so identified which, in the judgment of the Administrator, should be reported as excess property. Section 2 of Executive Order 11508 also provides that the heads of executive agencies shall conform their policies, regulations, and practices to the provisions of the standards and procedures established by the Administrator of General Services. The terms "executive agency," "property," and "excess property" as used in this subpart are defined in Executive Order 11508. The provisions of this subpart are presently limited to fee-owned properties and supporting leaseholds and lesser interests located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. The scope of this subpart may be enlarged at a later date to include properties in additional geographical areas and other interests in property.

§ 101-47.801 Standards.

Each executive agency shall use the following standards in identifying unneeded Federal property.

(a) *Definitions.*—(1) *Not utilized.* "Not utilized" means an entire property or portion thereof, with or without improvements, not occupied for current program purposes of the accountable executive agency, or occupied in caretaker status only.

(2) *Underutilized.* "Underutilized" means an entire property or portion thereof, with or without improvements:

(i) Which is used only at irregular periods or intermittently by the accountable executive agency for current program purposes of that agency; or

(ii) Which is used for current program purposes that can be satisfied with only a portion of the property.

(3) *Not being put to optimum use.* "Not being put to optimum use" means an entire property or portion thereof, with or without improvements, which:

(i) Even though utilized for current program purposes of the accountable executive agency is of such nature or value, or is in such a location that it could be utilized for a different significantly higher and better purpose; or

(ii) The costs of occupying are substantially higher than would be applicable for other suitable properties that could be made available to the accountable executive agency through transfer, purchase, or lease with total net savings to the Government after consideration of property values as well as costs of moving, occupancy, and efficiency of operations.

(b) *Guidelines.* The following general guidelines shall be considered by each executive agency in its annual review (see § 101-47.802):

(1) Is the property being put to its highest and best use?

(i) Consider such aspects as surrounding neighborhood, zoning, and other environmental factors; and

(ii) Is present use compatible with State, regional, or local development plans and programs?

(2) Are operating and maintenance costs excessive?

(3) Will contemplated program changes alter property requirements?

(4) Is all of the property absolutely essential for program requirements?

(5) Will local zoning provide sufficient protection for buffer zones thereby enabling the release of a portion of the property?

(6) Are buffer zones kept to an absolute minimum?

(7) Is the present property inadequate to serve contemplated future programs?

(8) Can net savings be realized through relocation considering property values, costs of moving, occupancy, and increased efficiency of operations?

(9) Have developments on adjoining nonfederally owned land or public access or road rights-of-way granted across the Government-owned land rendered the property or any portion thereof unsuitable or unnecessary for program requirements?

(10) If Federal employees are housed in Government-owned residential property, can the local market provide the

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necessary housing and other related services, thereby enabling the Government-owned housing area to be released?

(11) Can the land be disposed of and program requirements satisfied through reserving rights and interests to the Government in the property released?

(12) Is a portion of any property being retained primarily because the present boundaries are marked by the existence of fences, hedges, roads, and utility systems?

(13) Is any land being retained merely because it is considered undesirable property due to topographical features or encumbrances for rights-of-way?

(14) Is land being retained merely because it is landlocked?

(15) Is there land, or space in Government-owned buildings, which can be made available for utilization by others on a temporary basis?

§ 101-47.802 Procedures.

(a) *Executive agency annual review.* Commencing with fiscal year 1971, each executive agency shall make an annual review of its property holdings, which review, to the extent of the properties covered by the review, also shall constitute compliance with the annual review requirements of BOB Circular No. A-2, revised (see § 101-47.4908).

(1) In making such annual reviews, each executive agency shall use the standards set forth in § 101-47.801 in identifying property that is not utilized, is underutilized, or is not being put to its optimum use.

(2) A written record of the review of each individual facility shall be prepared, and a copy of the review record shall be made available to the GSA survey representative at the time of the survey of each individual facility. The written review record shall contain comments relative to each of the above guidelines.

(3) Each executive agency shall, as a result of its annual review, determine, in its opinion, whether any portion of its property is, not utilized, is underutilized, or is not being put to optimum use. With regard to each property, the following actions shall be taken:

(1) When the property or a portion thereof is determined to be not utilized, the executive agency shall:

(A) Initiate action to release the property; or

(B) Hold for a foreseeable future program use upon determination by the

head of the executive agency. Such determination shall be fully and completely documented and the determination and documentation kept available for GSA review (see § 101-47.802(b)(3)(ii)(B)). If property of this type which is being held for future use can be made available for temporary use by others, the executive agency shall notify the appropriate regional office of GSA before any permit or license for the use is issued to another Federal agency or before any out-lease is granted by the executive agency. GSA will advise the executive agency whether the property should be permitted to another Federal agency for temporary use and will advise the executive agency the name of the Federal agency to whom the permit shall be granted.

(ii) When the property is determined to be underutilized, the executive agency shall:

(A) Limit the existing program to a reduced area and initiate action to release the remainder; or

(B) Shift present use imposed on the property to another property so that release action may be initiated for the property under review.

(iii) When, based on an in-depth study and evaluation, it is determined that the property is not being put to its optimum use, the executive agency shall relocate the current program whenever a suitable alternate site, necessary funding, and legislative authority are available to accomplish that purpose. When the site, funding, or legislative authority are not available, a special report shall be made to the appropriate regional office of GSA for its consideration in obtaining possible assistance in accomplishing relocation.

(b) *GSA survey.* Pursuant to section 2(2) of Executive Order 11508, GSA will conduct, on a continuing basis, a survey of real property holdings of all executive agencies to identify properties which, in the judgment of the Administrator of General Services, are not utilized, underutilized, or not being put to their optimum use.

(1) Surveys by GSA of the real property holdings of all executive agencies will be conducted by officials of the regional offices of GSA for the property within the geographical area of each region.

(i) The head of the field office of the agency having accountability for the facility will be notified in advance of a scheduled GSA survey and furnished at that time with copies of these regulations.

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